

STATEMENT OF PURPOSE

RS19207C2

This proposal amends Idaho Code section 18-3302, by creation of a new section to establish a "relief of disabilities" program in reference to mental commitment records used by the National Instant Check System for the purpose of determining eligibility to purchase weapons, under federal law

Idaho Code section 18-3302 contains conditions of eligibility for obtaining a license to carry concealed weapons. Criteria in 18-3302(1)(f)(i), (ii), (iii) and (iv) relate to mental capacity, mental illness, disability and incapacitation. The National Instant Check System (NICS) Improvement Act of 2007 mandates a "relief of disabilities" program (an avenue to get relief through the courts) for those who believe their disability no longer exists.

While Idaho Code section 67-3003 sets forth the duties of the Bureau of Criminal Identification (BCI) relative to criminal history records and crime information, it is silent on the transmittal of mental commitment records from the Idaho Supreme Court database to the NICS for the purpose of determining eligibility to purchase weapons, under federal law. This proposal gives clear authority to ISP/BCI to transmit mental commitment records from the Idaho Supreme Court database to the NICS for the purpose of determining eligibility to purchase weapons, under federal law. No database is created by this proposal and no records are retained by BCI; the bureau passes the information through from the Supreme Court directly to the NICS.

FISCAL NOTE

While there is no significant adverse impact associated with this proposal, the changes will enable the state to apply for a share of federal grant funding available to states for improvement of the criminal history repository and the courts systems. In 2009, \$10M of grant funding was available, however Idaho did not qualify, because the Relief from Disabilities Program was not in place.

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